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Attorneys for Plaintiff,
UNITED STATES FOR THE USE AND
BENEFIT OF FERGUSON
ENTERPRISES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES FOR THE USE AND
BENEFIT OF FERGUSON ENTERPRISES,
INC., a Virginia corporation,

Plaintiff,

v.

MCCULLOUGH PLUMBING, INC., a
California corporation; THE GUARANTEE
COMPANY OF NORTH AMERICA USA, a
Michigan corporation; HALBERT
CONSTRUCTION COMPANY, INC., a
California corporation; THE WESTERN
SURETY COMPANY, a South Dakota
corporation,

Defendants.

Case No.: 3:17-cv-03382-MEJ

STIPULATION OF DISMISSAL AND
~~[PROPOSED]~~ ORDER

AMOUNT: \$27,635.04

WHEREAS, Plaintiff, UNITED STATES FOR THE USE AND BENEFIT OF
FERGUSON ENTERPRISES, INC., a Virginia corporation filed its Complaint on Miller Act
Payment Bonds pursuant to 28 U.S.C. § 1331 and the provisions of the Miller Act, 40 U.S.C.
§ 3133(b)(3)(B), on JUNE 12, 2017;

WHEREAS, Plaintiff and Defendants, MCCULLOUGH PLUMBING, INC., a
California corporation ("MCCULLOUGH") and THE GUARANTEE COMPANY OF
NORTH AMERICA USA, a Michigan corporation ("GUARANTY") settled this matter on

1 or about August 10, 2017;

2 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and
3 Defendants, MCCULLOUGH and GUARANTEE, through their designated counsel that the
4 above-captioned action should be dismissed without prejudice as to all Defendants pursuant
5 to FRCP 41(a)(1)(A). The parties further stipulate that, except as set forth in the written
6 Stipulation for Entry of Judgment between them, the parties shall bear their own attorney's
7 fees, expenses and costs.

8
9 IT IS SO STIPULATED.

10
11 Dated: 10/27/17

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12
13 By: 

14 Michael I. Wayne, Esq.
15 Attorneys for Use-Plaintiff and Plaintiff,
16 FERGUSON ENTERPRISES, INC., a Virginia
17 corporation

18
19 DATED: 10/26/17

SCHWARTZ SEMERDJIAN CAULEY & MOOT LLP

20
21 By: 

22 Kevin T. Cauley, Esq.
23 Attorneys for Defendants
24 MCCULLOUGH PLUMBING, INC., a California
25 corporation and THE GUARANTEE COMPANY OF
26 NORTH AMERICA USA. a Michigan corporation
27
28

~~PROPOSED~~ ORDER

The Court having considered the stipulation of the parties, and good cause appearing therefor, orders as follows:

1. The action is dismissed without prejudice as against all Defendants pursuant to FRCP 41(a)(1)(A).

2. Each party shall bear their own costs and attorneys' fees.

3. The Court shall retain jurisdiction over this matter to enforce the terms of the written Stipulation for Entry of Judgment.

IT IS SO ORDERED.

Dated: October 31, 2017

